HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO.17651 OF 2002

Between:

Gangireddy Veda Devi

. . .Petitioner

AND

Union of India and others

. . .Respondents

Counsel for the petitioner : Shri A.Rajendra Babu
for Shri K.Subba Rao

Counsel for the respondent No.1 : Shri A.Rajashekar Reddy
Assistant Solicitor General

Counsel for the respondent Nos.2 to 4: Government Pleader for
Revenue

Dated: 22nd August, 2006

: ORDER :

In this petition, the petitioner has prayed for issue of a mandamus to the respondents to grant pension to her under the Swatantrata Sainik Samman Pension Scheme, 1980 (for short 'the 1980 Scheme').

The petitioner's claim for grant of pension is founded on her assertion that her husband late Shri Sena Reddy had taken part in Hyderabad Liberation Movement. In her affidavit, the petitioner has averred that her husband actively participated in satyagrahas against the Nizam Government; that he was declared as proclaimed offender and that he went underground and worked under the leadership of Sri Tokala Raj Reddy. She has further averred that after the death of her husband, she submitted application dated 27-5-1998 to the Central Government, but till the date of filing writ petition in September 2002, the concerned authority did not take action for grant of pension to her under the 1980 Scheme.

In the counter filed on behalf of respondent No.1 by Sri S.K. Kaushik, Under Secretary in the Ministry of Home Affairs, Government of India, it has been averred that the pension application of the petitioner and State verification report are not available in the records of the Ministry and her name does not figure in the computerized record of the Hyderabad Special Screening Committee constituted by the Government of India for recommending the cases of freedom fighters who had participated in Hyderabad Liberation Movement.

In the counter-affidavit filed on behalf respondent Nos.2,3 and 4, it has been averred that the application made by the petitioner in 1998

has not been received by the Government of Andhra Pradesh though she submitted representation along with documents through an Advocate by name Sri Prabhakar Reddy on 25-9-1998.

I have heard learned counsel for the parties. Shri A.Rajashekar Reddy, learned Assistant Solicitor General and learned Government Pleader for Revenue, Government of Andhra Pradesh jointly stated that the application made by the petitioner in 1998 is not available in the records of the respondents. They further stated that if the petitioner makes an application along with necessary documents even at this belated stage, the same will be considered and decided in accordance with the policy contained in the 1980 Scheme. Learned counsel for the petitioner says that his client will submit fresh application along with the relevant documents.

In view of the statements made by learned counsel for the parties, the writ petition is disposed of in the following terms:

(1) Within two months from today, the petitioner may make an appropriate application to the competent authority for grant of pension under the 1980 Scheme together with authenticated copies of the documents, which may support her claim for pension.

(2) The application submitted by the petitioner be referred to the committee constituted by the State Government vide G.O.Rt.No.1680 dated 02.08.2006, which shall scrutinize the same along with the documents and submit its report within two months to the Revenue Secretary (Freedom Fighters Division), Government of Andhra Pradesh.

(3) The Revenue Secretary (Freedom Fighters Division), Government of Andhra Pradesh shall forward the

petitioner's application together with the report to Deputy Secretary to Government of India, Ministry of Home Affairs. The latter shall then consider the petitioner's claim for grant of pension under the 1980 Scheme and pass appropriate order within a period of two months. The decision of the Government of India shall be communicated to the petitioner by registered post at the end of two months period specified in the preceding paragraph.

(4) If the petitioner is found eligible and held entitled to receive pension under the 1980 Scheme, then an appropriate direction be given to the concerned authority to release pension in her favour.

G.S.SINGHVI, CJ

Date: 22.08.2006

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